

FOR OFFICIAL USE ONLY

UNITED STATES OF AMERICA

v.

**Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211**

Prosecution Request

**for Leave to Respond to
Portions of the Court Order
until 2 May 2012**

13 April 2012

1. The United States requests leave of the Court to respond to a portion of paragraph 4 of the Court's 23 March 2012 Judicial Order (hereinafter "Court Order") until 2 May 2012, which requires the United States to notify the Court whether the Central Intelligence Agency (CIA), through trial counsel, will seek limited disclosure under MRE 505(g)(2) or claim a privilege under MRE 505(c) of any classified "forensic results or investigative files relevant to this case" by 20 April 2012.
2. In compliance with paragraph 3 of the Court Order, the United States immediately began the process of determining whether CIA has "forensic results or investigative files relevant to this case" and examined them for evidence that is potentially discoverable. On 11 April 2012, the United States identified certain information and requested the authority to release the information to the defense. The CIA is currently reviewing the information to obtain the necessary approvals to either: (1) release the classified information in its original form; (2) provide the documents for a limited disclosure under MRE 505(g)(2); or (3) to invoke the classified information privilege under MRE 505(c).
3. The CIA advised the United States that they will need additional time to make this determination. The CIA has also advised that although they need additional time to make the above decision, they do not expect to require any additional time in order to meet the Court's disclosure suspense of 18 May 2012, regardless of their decision listed above.
4. The prosecution's request will not necessitate any delay in the proceedings or delay in responding to the defense. The prosecution does not anticipate requesting leave in responding by 18 May 2012. As such, there will be no prejudice to the defense.


ASHDEN FEIN
MAJ, JA
Trial Counsel

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